App F.IX-4

1925. (Judicial)

File No. 232-25

Serial Nos. 1 5

Previous References
Judl 92-24 1-2

Later references.
Judl 232-25 6-7

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

Part B for April 1926

SUBJECT

Petition from Mrs Lakshmidevamma, widow of Venkatramana Setty offering to endowment ~~the sum~~ of Rs 40000/- ~~accepted~~ for the maintenance of a free Vaisya Boarding Home at Bangalore.

Rr 1331 dated 19.4.26 To the Judl Govt.

States that there is no harm in accepting the endowment.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

p. 15c

Subsidy Rev Secy

Receipts Orders

"To be noted on

Rent Receipts

very early.

8/2

a/s. Mag.

Kumbakonam

h

8/2

2

2. As the power of accepting

charitable endowments has

been delegated to the Mag. Coast,

D 389 the previous petn of 30-9-24 was

forwarded to the Mag. Court,

(Mag 92-24 under the orders of the member,

for disposal or report, if necessary,

and an endorsement to that

effect was also given to the petr.

3 Mr Muniveerakaiah S.C. 15

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

wife, i.e,
the present pet^r ~~has stated~~ states,
that ~~he~~ husband
died before he could formulate
a scheme. ~~The deceased's wife~~
~~states~~ that she is the sole heir
to him and that she would
endorse the bonds to Govt.
Whereas she is declared as the
sole heir by a competent
authority or produces a will
to that effect, it is doubtful
whether her endorsement
can be accepted -
4 Anyhow, as the matter
is one for disposal by the
Hon'ble Govt., ~~the~~ draft letter
forwarding the present pet^n
for report is submitted for approval
or other orders -

8d
-9.2.26 BG 9.2.26 Rev. Sec^y 9/2

1st Member 10/2 12/2

343
12.2

N B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

WD 01264—GPB—40,000 —17-12-25

Serial No

6 The pet^n may be sent to the Govt for a very Early report — within a fortnight

7 Issue D.O. reminder 17/2 18/2

2 To. our Consrs. No. 1073 dt 20-2-26
Calls for report on the above pet^n within a fortnight

Sent 27/2

3 Fr. the Munsif Comm^r
No. C 1016 of 19.25-26 dt 18-3-26
States that he could is holding an enquiry and that a report would be submitted.

4. Fr the Munsif Comm^r
No. C 1016 of 19.25-26 dt 18:3:1926
Reports that the properties of the late M^r Munivenkatiah Setty have descended to his widow under his will but that it was is under litigation and in these circumstances requests that the opinion of the Legislature Dept may be obtained for further action being taken.

5 A point of dispute between the widow of the late M^r Venkatamuniah Setty & his reversioners

Serial No.

is reported to be pending before the Dt Court and that issues in that case have been framed.

9 The Mug Comr. desires that in the circumstances of the case the opinion of the Legislative Secretary might be obtained as regards acceptance of the 6½% loan bonds as endowment without any risk on the part of Govt and whether the widow may be asked to obtain a Succession Certificate in respect of the amount of the proposed Endowment

10 Subt for orders As to whether the acceptance of the Endowment may not be deferred for consideration after the points of dispute now in the Dt Court are finally settled is for orders.

11 If the Legislative Secty may be consulted, as suggested by the Mag. Comr.

L L Secy 23/2

12 There seems to be no necessity to defer taking action until the disposal of the suit in Dt Court.

13 The point for consideration is whether the endowment offered by the widow & daughter of the testator may not be accepted.

14 The legal position is that of the testator is found by court to be a member of a joint family at the time of death, his will has no operation over the properties which devolve by survivorship on other joint members of the family, &

NOTE—Contn Sheet

WD 01361 –GPB –40,000—17-12-25
App. F. III—2]

General Revenue Secretariat

Muz File No. 232 of 1925.

Serial No.

The endowment now made by the widow in pursuance of the directions given by the testator becomes invalid -

15 It is doubtful from the circumstances of the case that the plaintiffs would succeed in proving their allegation that the deceased was undivided member of their family in view of their admission that their father was divided from the testator.

16 Even if this is proved, the position is that the Govt may be asked to refund the amount now endowed to the plaintiffs.

17 The Govt will not therefore be a loser by accepting the endowment.

There is no necessity to insist upon a succession certificate being produced in this case.

662/26-3

18 I do not see any harm in Govt accepting the bonds & deposits & paying them over to the depositors [illegible] pending the disposal of the case. Of course in the suit, if decreed, the bonds & deposits will be made over to the plffs or any other person. This may be done. Otherwise, this may be ordered for the plffs. Drop [illegible] in the plffs or accounts [illegible]

L 2 L

Contn Sheet

Serial No	
	(9) Submitted with a draft, for approval. (Refce:- Member's orders in para 18 above). Rev. Sect. 6/4. 6.4.26 6/4. 1st Member Hon'ble Mr. Lethbridge 6/4 283 9.4 21) Secy. Legislative Assembly 8/4 9.4 8/4 9.4
5	To. Secy Council of State No 1331 dt 19.4.26 forwards Copy of L & L. Secy's opinion & states that there is no harm in accepting the Endorsement etc

VI. Gl.]

SUBJECT.....

Diary No. of letter replied to... 8.87...

General and Revenue Secretariat
(Revenue)
the 192

Date of issue 28/2/26

Signed by...

List of enclosures .....

Copied by..

Examined by.

Section mis
File No. 232-25
Seria No. 2

No. 1073
Fin. Con-I-2.

To The Muzrai Commr in Mysore, Bangalore

Sir,

In continuation of this office letter no. 5773/Muz/I 24-28 23-10-24 forwarding to you for disposal or report if necessary a petn regd no 387 830-7 26 from Venkataramaiah Setty, offering to transfer to Govt as a charitable deposit 6¼% state loan bonds of the face value of Rs 40,000 for the maintenance of a free Vaisya Boys & Girls Home at Bangalore I am directed to forward herewith (note) for the Commr's early report with a formal—

over

WD 0562—GPB—31,000—17-8-25

Kistnadoss

reg[d] no 887 & 8-2 26 from ~~Lakshmi~~
Lakshmi
-Devamma, ~~wife of Venkataramana Setty~~,
~~reported to be dead~~, offering to
endorse on the bonds, ~~and to request~~
that the action taken ~~on the~~ in the
~~previous~~ matter may be reported
for the information of Govt.

I have etc

K
10/2
Secretary
Rev: Deptt

9/2

Jly
9.2.26

No. C 1016 of 25 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 8th M a r c h 1926.

37528

From

B. Ramaswamaiya, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

With reference to your letter No.1073/M.F.232-25-2 dated the 20th February 1926 regarding the endowment by Lakshmidevamma for - the maintenance of a free Vaisya Boarding Home at Bangalore, I have the honor to state that immediately on receipt of your letter dated the 23rd October 1924, Mr. Venkatamuniah Chetty (now deceased) was requested to interview the then Muzrai Commissioner (Mr.K. Chandy) for a discussion of the details of the working of the charities to be founded by him. He appeared in person and after some discussion promised to send a written reply which he never did in spite of -- having been reminded more than once. For these reasons no reply could be sent to Government.

2. As regards the present application by Lakshmidevamma, it --- seems advisable to make some enquiry so as to satisfy ourselves that the widow's right to make the endowment is not disputed, as there would appear to be some litigation already about the succession to the property, the details of which are however not known. I am holding an enquiry into the matter and a report will be submitted with the least possible delay after the inquiry.

I have the honor to be,
S i r,
Your most obedient servant,
B. Ramaswamaiya
Muzrai Commissioner.

No. C 1016 of 25-6 Office of the Muzrai Commissioner in Mysore,

Dated Bangalore, 18th M a r c h 1926.

19

From

B. Ramaswamaiya, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

GEN. & REV. SECRETARIAT. 0MAR1926 MUZRAI

GEN. & REV. SECTT. Bn 19 MAR. 1926 G. D. SECTION.

D 1078 mur 232-25-4

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

P 20/3

Sir,

In continuation of this office letter C.No.1016/25-26 dated the 9th Instant regarding the endowment by Mrs. Lakshmidevamma for the maintenance of a free Vaisya Boarding Home at Bangalore, I -- have the honor to state that I have since ascertained the following circumstances, by inquiry of Mr. S.V.Srinivasa Setty (brother of Mr. Lakshmidevamma), who had appeared with his Advocate Mr. M. Ramachandra Rao.

2. The late Mr. Munivenkatiah Setty was the sole owner of the properties which have now descended to his widow Lakshmidevamma. He has also left a step-daughter Rukkamma. The properties have - devolved under a "will" duly left by the deceased.

Two brothers, sons of Venkatamuniah Setty's divided brother have filed a suit, stating that they are reversioners, that ------ Lakshmidevamma is incapable of managing the properties, that she is likely to alienate the properties indiscriminately and that -- therefore a Receiver may be appointed and the properties managed in their interests. These allegations are all denied by the --- defendants as being utterly false and the other claims are all -- contested. The suit is pending in the District Court, issues --- having been framed at the last hearing.

3. It is stated on behalf of Lakshmidevamma that the Plaintiffs in the suit have admitted the fact of their father having been a -

a "divided" brother of the late Mr. Venkatamuniah Setty. Besides the deceased has left a daughter, who has no objection along with the widow of the deceased to the wishes of the Donor being carried out.

Lakshmidevamma has applied for a succession certificate in respect of the properties in which, however, the sum now in question viz., Rs.40,000/- has not been included, as it involved only the carrying out of the wishes of the late Donor. It is requested that the endowment offered may now be accepted, the detailed terms and conditions regarding the charity being considered when the amount is actually tendered, and received by Government.

4. In the circumstances detailed above I consider that it is advisable to obtain the legal opinion of the Legislative Secretary to Government as to whether the amount in the shape of 6¼% loan bonds may be accepted without the risk of Government being involved in any way in the litigation between the parties, and whether it is advisable to ask for a succession certificate being obtained first, in respect of this amount also, or whether the offer may be accepted as it stands now. Further action may be taken in the matter after this point is decided.

I may add that the applicant is prepared to submit any --- papers, such as a copy of the will, the plaint, the defendants'-- statement etc., that Government may consider it necessary to ---- inspect in connection with the application.

The favour of orders is solicited.

I have the honor to be,

Sir,.

Your most obedient servant,

K Ramamuniah

Muzrai Commissioner.

KSR.

APP. F. VI. Gl. J

SUBJECT.....

Section Mug

File No. 232-25

Seria No. 5

No. 1331 en; one

To The Mug Comr

Diary No. of letter replied to...

General and Revenue Secretariat

( )

the *192*

Date of issue 19/4/26

Signed by Mr K

List of enclosures...

pass in 617 of the 1926.

Copied by.....

Examined by.....

Sir,

With reference to correspondence ending with your letter No. C 1016 of 1925 dated the 18th March 1926 regarding the acceptance of the endowment by Mrs Lakshmidevamma, widow of the late Mr Munivenkataiah valla, for the maintenance of a free Vaisya Boarding Home at Bangalore, I am directed to enclose a copy of a letter containing the Legal opinion of the Legislative

over

Secretary to Govt on the subject.

~~in the light of the facts of the present circumstances of the case~~ as represented by you.

2. ~~I am further to add~~ Govt: consider there is no harm in Govt. their Govt to not see any ~~harm in~~ accepting the endorsement of the bonds offered by the petitioner - Mrs Lakshmiderammma. The bonds offered may be held in trust & deposited with the Competent Court pending decision in the Civil Suit. If in the Suit, ~~of the suit~~ it is ordered by the Court that the bonds should be made over to the Plaintiffs or any other person it may be so done. Otherwise, they may be utilised for the purpose of the endorsement as asked for by the petitioner

Yours &c

h/8/4

~~Secretary~~ Secretary to Govt
Rev Dept

11/4/26

1016 of 25-26 Office of the Muzrai Commissioner in Mysore.
enclosure.

Dated Bangalore, 6th May 1926.

From

C. S. Balasundaram Iyer, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GEN. & R. SECRETARIAT
6 MAY 1926
MUZRAI
D/1323

GENL. & REV. SECTT.
To
Bn. Muz
8 MAY 1926
G. D. SECTION.

To

S. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

With reference to correspondence ending with your letter -- No.1331/M.F.232-25-6 dated 19th April 1926 regarding the endowment offered by Mrs.Lakshmidevamma, for the maintenance of the Vaisya -- Hostel, I have the honor to forward herewith for kind information copy of this office order No. R Di 162 dated 7th may 1926 accepting the endowment, subject to the conditions noted in your letter ----- under reply.

I have the honor to be,

Sir,

Your most obedient servant,

C S Balasundaram Iyer
Muzrai Commissioner.

Subject for perusal.
Note will be filed along with the previous papers if approved
Rev. Secy
10/5
TA/5/26
1st member
12/5
322
12.5.26
12/5
12/5

Order of the Mysore Commissioner in Mysore.

Reference:--

Correspondence ending with petition dated 3rd May 1926 from Mrs. Lakshmidevamma widow of the late Mr. C. Venkatamuniah Setty of Bangalore offering an endowment of Rs.40,000/- in the shape of 6½% Mysore loan bonds, the interest thereof being utilized for the maintenance of a free Vaisya Boarding Home in Bangalore.

Order No. R Dis 16208 25-26

Dated Bangalore, 7 May 1926.

On 30th September 1924 Mr. Venkatamuniah Setty offered to transfer to Government as a charitable deposit 6½% loan bonds of the face value of Rs.40,000/- for the maintenance of a free Vaisya Boarding Home in Bangalore. The Donor was requested to furnish details of the working of the charities to be founded by him; but before the scheme could be formulated Mr. Venkatamuniah Chetty died on 17th August 1925. Mrs. Lakshmidevamma widow of the late Mr. Venkatamuniah Setty submitted a petition on 8th February 1926 ---- stating that she was the sole heir to her husband and that the latter was divided from his brothers and offering to hand over to Government loan bonds of the face value of Rs.40,000/- which her husband had purchased during his life-time for the same purpose of creating a permanent provision for the Hostel. In the same petition she also prayed that she undertook to manage the institution during her life time and maintain proper accounts and that after her death, her brother Mr. S.V.Srinivasa Setty and her step-daughter Nakamma should be permitted to jointly manage the charities

The bonds duly endorsed in favour of the Dewan of Mysore -- have also been subsequently tendered.

The generous offer made by Mrs.Lakshmidevamma is accepted -- with thanks under the charitable endowment scheme. The Twelve bonds of the face value of Rs.40,000/- herewith transmitted to the Comptroller to Government will be held in trust, ----

As a tentative case the half yearly interest will be paid to Mrs. Lakshmidevamma to meet the current expenditure of conducting the charities - who should maintain regular accounts

and make them available for inspection by Government officers and also submit an annual report with an abstract accounts

Detailed proposals for the working of the institution together with a draft scale of income and expenditure should also be sent early.

(Sd.) C.S.Balasundaram Iyer,
Muzrai Commissioner.

To

The Comptroller to Government of Mysore.

with the bonds.

Deputy Commissioner, Bangalore District.

Mrs. Lakshmidevamma, Bangalore City
returning certain records produced by her counsel.

4.

"C o p y

Scrutinised & Compared 2/7/46

for Muzrai Commissioner.